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ENGROSSED SECOND SUBSTITUTE SENATE BILL 6874

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State of Washington

60th Legislature

2008 Regular Session

By Senate Ways & Means (originally sponsored by Senators Brown, Rockefeller, Kauffman, and Rasmussen; by request of Governor Gregoire)

READ FIRST TIME 02/12/08.

1 AN ACT Relating to Columbia river water delivery; adding new  
2 sections to chapter 90.90 RCW; making appropriations; and providing an  
3 effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 90.90 RCW  
6 to read as follows:

7 (1) In 2006, the legislature enacted chapter 6, Laws of 2006, an  
8 act relating to water resource management in the Columbia river basin.  
9 In its enactment, the legislature established that a key priority of  
10 water resource management in the Columbia river basin is the  
11 development of new water supplies to meet economic and community  
12 development needs concurrent with instream flow needs.

13 (2) Consistent with this intent, the governor and the legislature  
14 are in agreement with the Confederated Tribes of the Colville  
15 Reservation and the Spokane Tribe of Indians to support additional  
16 releases of water from Lake Roosevelt. Because the sovereign and  
17 proprietary interests of these tribal governments are directly affected  
18 by water levels in Lake Roosevelt, the state intends to share a portion

1 of the benefits derived from Lake Roosevelt water releases and to  
2 mitigate for any impacts such releases may have upon the tribes.

3 (3) These new releases of Lake Roosevelt water of approximately  
4 eighty-two thousand five hundred acre feet of water, increasing to no  
5 more than one hundred thirty-two thousand five hundred acre feet of  
6 water in drought years, will bolster the state economy and will meet  
7 the following critical needs: New surface water supplies for farmers  
8 to replace the use of diminishing groundwater in the Odessa aquifer;  
9 new water supplies for municipalities with pending water right  
10 applications; enhanced certainty for agricultural water users with  
11 water rights that are interruptible during times of drought; and water  
12 to increase flows in the river when salmon need it most.

13 (4) Nothing in chapter . . . , Laws of 2008 (this act) expands,  
14 impairs, or otherwise affects the existing status and sovereignty of  
15 the tribal governments involved in Lake Roosevelt water releases  
16 pursuant to this section and section 3 of this act.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 90.90 RCW  
18 to read as follows:

19 (1) Because the potential impacts of water releases under  
20 agreements reached under this chapter on affected counties are unknown,  
21 the department of ecology shall, by November 15, 2009:

22 (a) Conduct an assessment of the potential impacts, including  
23 recommendations for mitigation, and report to appropriate committees of  
24 the legislature; and

25 (b) Establish a process for identifying and reporting on future  
26 impacts on the affected counties, and for making recommendations for  
27 mitigation.

28 (2) The department of ecology shall aggressively pursue the  
29 development of new water supplies in affected counties to benefit both  
30 instream and out-of-stream uses.

31 (3) As used in this section, "affected counties" means those  
32 counties east of the crest of the Cascade mountains with an  
33 international border, or those counties east of the crest of the  
34 Cascade mountains that border both a county with an international  
35 border and a county with four hundred thousand or more residents.

1        NEW SECTION.    **Sec. 3.**    A new section is added to chapter 90.90 RCW  
2 to read as follows:

3        (1) The Columbia river water delivery account is created in the  
4 state treasury.    Moneys in the account may be spent only after  
5 appropriation.    The account consists of all moneys transferred or  
6 appropriated to the account by law.    The legislature may appropriate  
7 moneys in the account:

8        (a) For distributions for purposes of section 1 of this act as  
9 provided in this section; and

10       (b) To the department of ecology for other purposes relating to  
11 implementation of sections 1 and 2 of this act.

12       (2) On July 1, 2008, and each July 1st thereafter for the duration  
13 of the agreements described in section 1 of this act, the state  
14 treasurer shall transfer moneys from the general fund into the Columbia  
15 river water delivery account in the amounts described in subsection (3)  
16 of this section.

17       (3) Subject to appropriations, on July 1, 2008, and each July 1st  
18 thereafter, the state treasurer shall distribute moneys from the  
19 Columbia river water delivery account as follows:

20       (a) To the Confederated Tribes of the Colville Reservation, on July  
21 1, 2008, the sum of three million seven hundred seventy-five thousand  
22 dollars; and on July 1, 2009, the sum of three million six hundred  
23 twenty-five thousand dollars.    Each July 1st thereafter for the  
24 duration of the agreement, the treasurer shall distribute an amount  
25 equal to the previous year's distribution adjusted for inflation based  
26 upon the implicit price deflator provided by the economic and revenue  
27 forecast council or successor agency.

28       (b) To the Spokane Tribe of Indians, on July 1, 2008, the sum of  
29 two million two hundred fifty thousand dollars.    Each July 1st  
30 thereafter for the duration of the agreement, the treasurer shall  
31 distribute an amount equal to the previous year's distribution adjusted  
32 for inflation based upon the federal consumer price index, using the  
33 official current base, compiled by the bureau of labor statistics,  
34 United States department of labor, for Washington state using the  
35 Seattle-Tacoma-Bremerton consolidated metropolitan statistical area.

36       (4) The state treasurer may not distribute moneys from the Columbia  
37 river water delivery account to a tribe pursuant to this section unless

1 the director of ecology has certified in writing to the state treasurer  
2 and the legislature that the agreement with the tribes is still in  
3 effect.

4 NEW SECTION. **Sec. 4.** The sum of six million twenty-five thousand  
5 dollars, or as much thereof as may be necessary, is appropriated for  
6 the fiscal year ending June 30, 2009, from the Columbia river water  
7 delivery account to the state treasurer solely for distribution as  
8 provided in section 3 of this act.

9 NEW SECTION. **Sec. 5.** The sum of two million one hundred fifty  
10 thousand dollars, or as much thereof as may be necessary, is  
11 appropriated for the fiscal year ending June 30, 2009, from the general  
12 fund to the Columbia river water delivery account for the purposes  
13 established in section 6 of this act.

14 NEW SECTION. **Sec. 6.** (1) The sum of two million dollars is  
15 appropriated for the fiscal year ending June 30, 2009, from the  
16 Columbia river water delivery account to the department of ecology for  
17 distribution to affected counties as defined in section 2 of this act  
18 to mitigate for negative impacts caused by releases of Lake Roosevelt  
19 water for the purposes described in section 1 of this act. The  
20 criteria for allocating these funds shall be developed by the  
21 department in consultation with affected local governments.

22 (2) The sum of one hundred fifty thousand dollars is appropriated  
23 for the fiscal year ending June 30, 2009, from the Columbia river water  
24 delivery account to the department of ecology to retain a contractor to  
25 perform an independent analysis of legislative options to protect rural  
26 communities in northeast Washington from disproportionate economic,  
27 agricultural, and environmental impacts when upstream water rights are  
28 purchased and transferred for use, or idled and used as mitigation, in  
29 a downstream watershed or county. Before retaining a contractor, the  
30 department shall consult with affected counties as defined in section  
31 2 of this act. The contractor selected shall conduct the independent  
32 analysis and develop a report describing options and recommended  
33 actions. The department of ecology shall provide the report to the

1 appropriate committees of the legislature by December 1, 2008.

2 NEW SECTION. **Sec. 7.** This act takes effect July 1, 2008.

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